

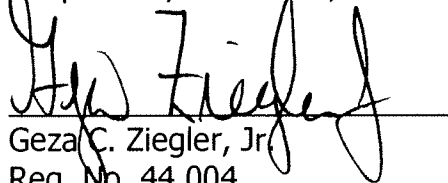
### III. REMARKS

Claims 1-15 are not unpatentable over Vanska et al. (Vanska) in view of De Temple et al. under 35 U.S.C. §103(a) because Vanska is not properly prior art against this application pursuant to 35 U.S.C. §103(c).

Vanska was, at the time of the invention, commonly owned by the assignee of the instant application or subject to an obligation of assignment. Vanska was filed on November 1, 2002 and issued on July 4, 2006. The instant application was filed on December 5, 2003. Thus, Vanska only qualifies as art under 35 U.S.C. §102(e). Pursuant to 35 U.S.C. §103(c), Vanska therefore, cannot be used for purposes of 35 U.S.C. §103(a).

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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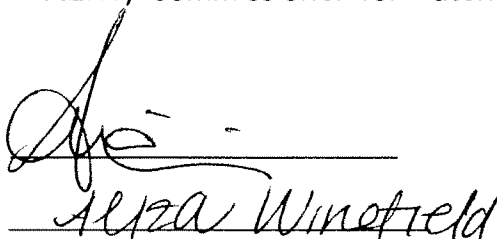
23 OCTOBER 2006  
Date

### CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 23 October 2006

Signature: \_\_\_\_\_



Aliza Winetfield  
Name